

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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MID-CENTURY INSURANCE COMPANY,

Plaintiff,

VS.

JONATHAN C. WELLS,

Defendant.

2:12-cv-02041-GMN-VCF

ORDER

(Emergency Motion To Quash Subpoenas Duces Tecum To George Ranalli, Esq., Brent Jordan, Esq., And The Person Most Knowledgeable Of Ranalli And Zaniel, LLC (#31)).

Before the court is George Ranali [sic], Esq., Brent Jordan, Esq., Ranalli & Zaniel, LLC And Eighth Judicial District Court Case No. A662932 Defendant Jonathan C. Wells' *Emergency* Motion To Quash Subpoenas Duces Tecum To George Ranalli, Esq., Brent Jordan, Esq., And The Person Most Knowledgeable Of Ranalli And Zaniel, LLC. (#31)(“Motion”). The Motion seeks “an *Emergency* Order to Quash Subpoenas Duces Tecum to George Ranalli, Esq., Brent Jordan, Esq., And The Person Most Knowledgeable Of Ranalli And Zaniel, LLC.” *Id* at 1.

In the affidavit filed in compliance with LR 26-7, Jason A. Fowler states that the requested relief is necessary, “as the scheduled date for the appearance is June 27, 2013, and if allowed to go through will breach DEFENDANT Well’s attorney client privilege and therefore cause irreparable damage to the present case.” *Id.* at 4.

While other arguments are advanced in the Motion, the core bases for seeking an order quashing the subpoenas, especially on an emergency basis, are the assertion that the information sought is protected by the Attorney-Client and Work Product privileges, arising out of Ranalli and Zaniel, LLC's representation of Mr. Wells in Eighth Judicial District Court Case No. A662932. Fowler Affidavit at

1 Paragraph 8 and Motion at 4 and 6. (#31). Counsel for the subpoenaed deponents acknowledges that if
2 Mr. Wells waives the Attorney-Client and Work Product privileges, then these bases for the Motion no
3 longer exist. (#31 at 6 and 10).

4 During the Hearing re Emergency MOTION for Protective Order Mid-Century Insurance
5 Company's Emergency Motion for Clarification of Court's Decision Denying Plaintiff's Motion for
6 Protective Order by Plaintiff (#25) held on 6/12/2013, Mr. LaVergne represented to the court that his
7 client, Mr. Wells, had waived the privileges asserted by Mid-Century as reasons to prevent the discovery
8 at issue. (#28). In the Motion, at page 7, beginning at line 21, Mr. Fowler represents that, "the client,
9 Mr. Wells, has told us that he does not want to waive the privilege." (#31 at 7). Mr. Wells was not
10 present at the June 12, 2013, hearing. (#28). The record contains no affidavit by Mr. Wells or other
11 direct statement by him on this issue.

12 Accordingly,

13 IT IS HEREBY ORDERED that George Ranali [sic], Esq., Brent Jordan, Esq, Ranalli & Zaniel,
14 LLC And Eighth Judicial District Court Case No. A662932 Defendant Jonathan C. Wells' *Emergency*
15 Motion To Quash Subpoenas Duces Tecum To George Ranalli, Esq., Brent Jordan, Esq., And The
16 Person Most Knowledgeable Of Ranalli And Zaniel, LLC. (#31) is DENIED *without prejudice* to further
17 motion practice after completion of the depositions.

18 IT IS FURTHER ORDERED that the depositions shall proceed as scheduled, with the following
19 conditions:

20 1. If possible, the parties shall stipulate whether or not Mr. Wells has waived the Attorney-
21 Client and/or Attorney Work Product privileges at issue, establishing the specific scope of that waiver;

22 2. If stipulation is not possible, then a record must be created at the beginning of the first
23 deposition relevant to the issue of waiver;

3. During the depositions and the production of subpoenaed documents, the subpoenaed deponents may interpose appropriate objections and instructions not to answer; and

4. All parties must proceed in accordance with the Federal Rules and Local Rules, this District's discovery jurisprudence and the June 17, 2013, Order (#29) entered in this case, deciding Plaintiff's Emergency Motion for Clarification of Court's Decision Denying Plaintiff's Motion for Protective Order (#25).

IT IS FURTHER ORDERED that the clerk add Jason Andrew Fowler to the CM/ECF service list in this case and enter his appearance as counsel for George Ranalli, Esq., Brent Jordan, Esq. and Ranalli & Zaniel, LLC.

DATED this 24th day of June, 2013.

Cam Ferenbach
CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE